Certification of Consistency

Certification ID: C201810

Step 1 - Agency Profile

A. GOVERNMENT AGENCY: ☐ **State Agency** ☑ **Local Agency**

Government Agency:	Yolo Habitat Conservancy
Primary Contact:	Chris Alford
Address:	611 North Street
City, State, Zip:	Woodland, CA 95695
Telephone/Fax:	530-723-5504 /
E-mail Address:	chris@yolohabitatconservancy.org

B. GOVERNMENT AGENCY ROLE IN COVERED ACTION: ☑ **Will Carry Out** ☑ **Will Approve** ☐ **Will Fund**

Step 2 - Covered Action Profile

IT IS RECOMMENDED THAT YOU ENGAGE IN EARLY CONSULTATION WITH DSC STAFF AND/OR COMPLETE THE COVERED ACTION CHECKLIST TO DETERMINE IF THE PLAN, PROGRAM OR PROJECT IS CONSIDERED A COVERED ACTION AND TO IDENTIFY RELEVANT REGULATORY POLICIES

A. COVERED ACTION PROFILE: ☐ **Plan** ☑ **Program** ☐ **Project**

Title: Yolo Habitat Conservation Plan / Natural Community Conservation Plan (Yolo HCP/NCCP)

B. PROPONENT CARRYING OUT COVERED ACTION (If different than State or Local Agency):

Proponent Name: Yolo Habitat Conservancy

Address: 611 North Street

City, State, Zip: Woodland, CA 95695

C. AT LEAST 10 DAYS PRIOR TO THE SUBMISSION OF A CERTIFICATION OF CONSISTENCY TO THE COUNCIL, agencies whose actions are not subject to open meeting laws (Bagley-Keene Open Meeting Act [Gov. Code sec 11120 et seq.] or the Brown Act [Gov. Code sec 54950 et seq.]) with regard to its certification, must post for public review and comment, their draft certification on their website and in their office, and mail to all persons requesting notice.

Any state or local public agency that is subject to open meeting laws with regard to its certification is also encouraged to take those actions.
(Note: Any public comments received during this process must be included in the record submitted to the Council in case of an appeal.)

If applicable, did you comply with this requirement? ☐ YES ☑ NO ☐ N/A

Section2ItemCResponseExplanation.pdf

D. COVERED ACTION SUMMARY: (Project Description from approved CEQA document may be used here)

As a preliminary matter, the Yolo Habitat Conservancy (Conservancy) has elected to provide this certification of consistency even though it is not clear the Yolo Habitat Conservation Plan/ Natural Community Conservation Plan (Yolo HCP/NCCP) constitutes a"covered action" under California law. The Conservancy has nonetheless prepared this certification as if the Yolo HCP/NCCP is a covered action and thus subject to the certification of consistency requirement.

The Conservancy, a joint powers agency organized under California law and consisting of Yolo County and the incorporated cities of Davis, West Sacramento, Winters, and Woodland (member agencies), has developed the Yolo HCP/NCCP. This HCP/NCCP provides the basis for issuance of long-term species "take" permits under the federal Endangered Species Act (FESA) and California Natural Community Conservation Planning Act (NCCPA) for take of 12 covered species resulting from five categories of covered activities identified in the Yolo HCP/NCCP pursuant to Section 10(a)(1)(B) of the FESA and Section 2835 of the NCCPA chapter of the California Fish and Game Code (Fish & Game Code). The Yolo HCP/NCCP, associated permits, and supporting agreements commit the Conservancy and its member agencies to the conservation of 33,362 acres of habitat for 12 covered rare and endangered species over 50 years, including an obligation to permanently manage those properties to the benefit of the covered species. The permits will allow for 19,212 acres of planned land development and associated activities, called covered activities, to take place within the planning areas of the adopted general plans of member agencies. Pursuant to the requirements of State law, the Yolo HCP/NCCP provides for both mitigation for impacts of covered activities and additional conservation beyond mitigation to benefit the covered species.

The Yolo HCP/NCCP realizes the long-standing and fundamental goal of Conservancy and its member agencies to maximize and protect the long-term viability of agricultural operations in the Plan area through an HCP/NCCP that is intertwined and relies on the agricultural working landscape to achieve habitat protection and enhancement. The premise of habitat and species conservation through preserved and carefully managed agriculture is foundational to the HCP/NCCP and integral to the values of Yolo County, each of the Cities, and local stakeholders.

The area covered by the Yolo HCP/NCCP encompasses all of Yolo County, located in the northern reach of California's Central Valley mid-way between San Francisco Bay and the Lake Tahoe basin. The Plan also includes the potential for acquisition of conservation easements, habitat enhancement, and other activities that support implementation of the Yolo HCP/NCCP conservation strategy along a portion of the south side of Putah Creek in Solano County. No other private or public projects within Solano County will be eligible for take coverage under the Yolo HCP/NCCP permits.

E. STATUS IN THE CEQA PROCESS: NOD has been filed

F. STATE CLEARINGHOUSE NUMBER: (if applicable) 2011102043

G. COVERED ACTION ESTIMATED TIME LINE:

ANTICIPATED START DATE: (If available) 11/1/2018 ANTICIPATED END DATE: (If available) 10/31/2068

H. COVERED ACTION TOTAL ESTIMATED PROJECT COST: $424,962,000.00

I. IF A CERTIFICATION OF CONSISTENCY FOR THIS COVERED ACTION WAS PREVIOUSLY SUBMITTED, LIST DSC REFERENCE NUMBER ASSIGNED TO THAT CERTIFICATION FORM: N/A

J. **SUPPORTING DOCUMENTS:** 1 HCP NCCP clean cover plus_FINAL.Xcheck.pdf, 02-HCP NCCP Executive Summary_FINAL_Xcheck.pdf, 03 HCP NCCP Ch 01 Intro_FINAL_Xcheck.pdf, 04 HCP NCCP Ch02 Exist Cond_FINAL_Xcheck.pdf, 05 HCP NCCP Ch03_CoveredActivities_FINAL_Xcheck.pdf, 06 HCP NCCP Ch04_Conditions_FINAL_Xcheck.pdf, 07 HCP NCCP Ch05_Effects_FINAL_Xcheck.pdf, 08 HCP NCCP Ch06_ConsStrat_FINAL_Xcheck.pdf, 09 HCP NCCP Ch07_PlanImp_FINAL_Xcheck.pdf, 10 HCP NCCP Ch08_cost_funding_FINAL_Xcheck.pdf, 11 HCP NCCP clean Ch09_Alts_FINAL_Xcheck.pdf, 12 HCP NCCP CH10 Preparers_FINAL.pdf, 13 HCP NCCP clean Ch11_References_FINAL.pdf, 14 HCP NCCP Vol 2 Clean Cover_FINAL.pdf, 15 HCP NCCP App A Spp Accounts_FINAL.pdf, 16 HCP NCCP App_B_Com_Sci_names_FINAL.pdf, 17 HCP NCCP App_C_Eval_Spp_Coverage_FINAL.pdf, 17 HCP NCCP App_C_Eval_Spp_Coverage_PG38.pdf, 18 HCP NCCP App_D_Glossary_FINAL.pdf, 19 HCP NCCP App E_Imp Agreement_FINAL.pdf, 20 HCP NCCP App F_STAC_multi species evaluation template_FINAL (2).pdf, 21 HCP NCCP App_G_Yolo-pollinator-consvtn-strategy_FINAL.pdf, 22 HCP NCCP App_H_Cost Plan_FINAL.pdf, 23 HCP NCCP App_I_Funding Plan_FINAL.pdf, 24 HCP NCCP App_J_Funding Sources Memo_FINAL.pdf, 25 HCP NCCP App K Cons Ease Temp_FINAL.pdf, 26 HCP NCCP App_L_BUOWStaffReport_FINAL.pdf, 27 HCP NCCP App_M_Yolo_Cnty_Ag_FINAL.pdf, 28 HCP NCCP App N Fragmentation Effects_FINAL.pdf, 29 HCP NCCP App O GGS Take Analysis_FINAL.pdf, 30 HCP NCCP App P_Man Plan Temp_FINAL.pdf, CEQAFindings_050718.pdf, 01.1 Cover-TtlpgWithNOA.pdf, 01.2 NOA NOA 2018 04 20 HCP CEQA FEIR v 06.pdf, 01.3 TOC.pdf, 02 EIS EIR Exec Sum.pdf, 03 EIS EIR chap 1 Introduction.pdf, 04 EIS EIR chap 2 Proposed Action Alts.pdf, 05 EIS EIR chap 3 Approach.pdf, 06 EIS EIR chap 4 Bio Resources.pdf, 07 EIS EIR chap 5 Land Use.pdf, 08 EIS EIR chap 6 Ag Resources.pdf, 09 EIS EIR chap 7 PublicSvc & Util.pdf, 10 EIS EIR chap 8 Recreation & OP.pdf, 11 EIS EIR chap 9 Hydro & WQ.pdf, 12 EIS EIR chap 10 Pop & Housing.pdf, 13 EIS EIR chap 11 Socioecon EJ.pdf, 14 EIS EIR chap 12 Cultural Paleo.pdf, 15 EIS EIR chap 13 Transportation.pdf, 16 EIS EIR chap 14 Noise.pdf, 17 EIS EIR chap 15 AirQuality.pdf, 18 EIS EIR chap 16 ClimateChange.pdf, 19 EIS EIR chap 17 GeoSoilsMinRes.pdf, 20 EIS EIR chap 18 Visual Resources.pdf, 21 EIS EIR chap 19 Hazards.pdf, 22 EIS EIR chap 20 Other Req.pdf, 23 EIS EIR chap 21 Consultation.pdf, 24 EIS EIR chap 22_Preparers.pdf, 25 EIS EIR chap 23 References.pdf, 26.1 EIS EIR chap 24 RTC_(1of2).pdf, 26.2 EIS EIR chap 24 RTC_(2of2).pdf, 27 EIS EIR Apdx A ScopingRpt&Cmts.pdf, 28 EIS EIR Apdx B Alternatives Evaluation.pdf, 29 EIS EIR Apdx C AMMs.pdf, 30 EIS EIR Apdx D BioResSptgInfo.pdf, 31 EIS EIR Apdx E AQ & GHG Data.pdf, 32 EIS EIR Apdx F Active Yolo Cleanup Sites.pdf, ConsistencyWithMitMeasures.pdf

Step 3 - Consistency with the Delta Plan

DELTA PLAN CHAPTER 2

G P1 / 23 CCR SECTION 5002 – **Detailed Findings to Establish Consistency with the Delta Plan.**

In General: (23 CCR SECTION 5002 (a), (b), (1)) This regulatory policy specifies what must be addressed in a certification of consistency filed by a State or local public agency with regard to any covered action.

This regulatory policy only applies after a "proposed action" has been determined by a State or local public agency to be a covered action because it is covered by one or more of the regulatory policies listed under Delta Plan Chapters 3, 4, 5, and 7 of this form. Inconsistency with this policy may be the basis for an appeal.

Covered actions, in order to be consistent with the Delta Plan, must be consistent with this regulatory policy and with each of the regulatory policies listed under Delta Plan Chapters 3, 4, 5 and 7 of this form implicated by the covered action. The Delta Stewardship Council acknowledges that in some cases, based upon the nature of the covered action, full consistency with all relevant regulatory policies may not be feasible. In those cases, the agency that files the certification of consistency may nevertheless determine that the covered action is consistent with the Delta Plan because, on whole, that action is consistent with the coequal goals. That determination must include a clear identification of areas where consistency with relevant regulatory policies is not feasible, an explanation of the reasons why it is not feasible, and an explanation of how the covered action nevertheless, on whole, is consistent with the coequal goals. That determination is subject to review by the Delta Stewardship Council on appeal;

Specific requirements of this regulatory policy:

a. **Mitigation Measures** (23 CCR SECTION 5002 (b), (2))
The covered action is not exempt from CEQA, and includes applicable feasible mitigation measures identified in the Delta Plan's Program Environmental Impact Report, (unless the measure(s) are within the exclusive jurisdiction of an agency other than the agency that files the certification of consistency), or substitute mitigation measures that the agency that files the certification of consistency finds are equally or more effective.

Is the covered action consistent with this portion of the regulatory policy?

☑ YES ☐ **NO** ☐ **N/A**

Answer Justification:

The Yolo HCP/NCCP is consistent with the mitigation measures (23 CCR Section 5002(b)(2)) portion of the regulatory policy to the extent that the mitigation measures are applicable to Yolo HCP/NCCP implementation by the Yolo Habitat Conservancy. As described below, many of the mitigation measures identified in the Delta Plan's Program Environmental Impact Report are within the exclusive jurisdiction of other agencies. The Yolo HCP/NCCP covered activities include infrastructure and land uses contemplated in the local General Plans for Yolo County, Davis, West Sacramento, Winters, and Woodland totaling 19,212 acres, and implementation of the Yolo HCP/NCCP conservation strategy. The planned infrastructure and land uses included as part of the covered activities are not within the authority of the Conservancy to control. While the Yolo HCP/NCCP requires these projects to apply Yolo HCP/NCCP-specific avoidance and minimization measures specific to protecting biological resources (see Yolo HCP/NCCP Section 4.3), the majority of the mitigation measures applied to these projects are within the exclusive jurisdiction of an agency other than the Yolo Habitat Conservancy. The Conservancy does, however, have authority over HCP/NCCP implementation, including the conservation strategy. The Yolo HCP/NCCP conservation strategy imposes a variety of avoidance and minimization measures (AMMs) on projects the Yolo HCP/NCCP covers. These AMMs are designed as conditions on covered activities to avoid and minimize the take of covered species and their associated habitats. 01.2 NOA NOA 2018 04 20 HCP CEQA FEIR v 06.pdf, 01.3 TOC.pdf, 02 EIS EIR Exec Sum.pdf, 03 EIS EIR chap 1 Introduction.pdf, 04 EIS EIR chap 2 Proposed Action Alts.pdf, 05 EIS EIR chap 3 Approach.pdf, 06 EIS EIR chap 4 Bio Resources.pdf, 07 EIS EIR chap 5 Land Use.pdf, 08 EIS EIR chap 6 Ag Resources.pdf, 09 EIS EIR chap 7 PublicSvc & Util.pdf, 10 EIS EIR chap 8 Recreation & OP.pdf, 11 EIS EIR chap 9 Hydro & WQ.pdf, 12 EIS EIR chap 10 Pop & Housing.pdf, 13 EIS EIR chap 11 Socioecon EJ.pdf, 14 EIS EIR chap 12 Cultural Paleo.pdf, 15 EIS EIR chap 13 Transportation.pdf, 16 EIS EIR chap 14 Noise.pdf, 17 EIS EIR chap 15 AirQuality.pdf, 18 EIS EIR chap 16 ClimateChange.pdf, 19 EIS EIR chap 17 GeoSoilsMinRes.pdf, 20 EIS EIR chap 18 Visual Resources.pdf, 21 EIS EIR chap 19 Hazards.pdf, 22 EIS EIR chap 20 Other Req.pdf, 23 EIS EIR chap 21 Consultation.pdf, 24 EIS EIR chap 22 Preparers.pdf, 25 EIS EIR chap 23 References.pdf, 26.1 EIS EIR chap 24 RTC (1of2).pdf, 26.2 EIS EIR chap 24 RTC (2of2).pdf, 27 EIS EIR Apdx A ScopingRpt&Cmts.pdf, 28 EIS EIR Apdx B Alternatives Evaluation.pdf, 29 EIS EIR Apdx C AMMs.pdf, 30 EIS EIR Apdx D BioResSptgInfo.pdf, 31 EIS EIR Apdx E AQ & GHG Data.pdf, 32 EIS EIR Apdx F Active Yolo Cleanup Sites.pdf, ConsistencyWithMitMeasures.pdf

b. **Best Available Science (**23 CCR SECTION 5002 (b), (3))

The covered action documents use of best available science as relevant to the purpose and nature of the project.

Is the covered action consistent with this portion of the regulatory policy? Appendix 1A is referenced in this regulatory policy.

☑ YES ☐ **NO** ☐ **N/A**

Answer Justification:

The use of best available science was an integral part of Yolo HCP/NCCP plan development and is a key component of the adaptive management strategy for plan implementation. In 2006, the Yolo Habitat Conservancy and the Yolo HCP/NCCP Advisory Committee assembled the Independent Science Advisors, a group of experts in conservation ecology and the specific biological resources in the Plan Area. The Yolo Habitat Conservancy hired a science advisor facilitator to assist in the formation of and coordinate with the Independent Science Advisors. To ensure objectivity, the advisors operated independent of the Yolo Habitat Conservancy and member agencies, their consultants, and other entities that are involved in the Yolo HCP/NCCP. The advisors reviewed information prepared by the consultants, attended a workshop, completed subsequent research, and engaged in discussions. The Independent Science Advisors met to review information gathered for the Yolo HCP/NCCP planning process, heard the concerns of the Yolo HCP/NCCP Advisory Committee, toured portions of the Plan Area, and formulated recommendations for Yolo HCP/NCCP development and implementation. Advisors were also encouraged to seek expert input from other scientists. The Independent Science Advisors provided recommendations to the Yolo Habitat Conservancy in the Report of Independent Science Advisors for Yolo County Natural Community Conservation Plan/Habitat Conservation Plan (NCCP/HCP) (Spencer et al. 2006) regarding the scope of this HCP/NCCP, information gaps, the conservation design, the conservation analyses, and adaptive management and monitoring. This scientific input was provided early in the planning process to ensure that the Yolo HCP/NCCP was developed with use of the best available science. Independent Science Advisor recommendations were subsequently used to guide Yolo HCP/NCCP planning. Major recommendations incorporated into the Yolo HCP/NCCP included updating and refining vegetation mapping as well as refining conservation design principles used for the Yolo HCP/NCCP. The Conservancy designed the conservation strategy for the Yolo HCP/NCCP based on the best scientific data available (See Yolo HCP/NCCP Chapter 2, Existing Ecological Conditions, and Appendix A, Covered Species Accounts), used a multi-level ecological approach in accordance with principles of conservation biology, and ensured the strategy is quantitative and measurable. The quantitative objectives are explicit, clear, and transparent, and they guide the conservation actions in the Plan Area, including the use of an adaptive management framework and compliance monitoring. The Conservancy developed the biological goals and objectives of the Yolo HCP/NCCP in accordance with the principles of conservation biology; as such, they address, among other things, ecological processes, environmental gradients, biological diversity, and regional aquatic and terrestrial linkages. The biological goals and objectives fit into the ecological hierarchy described below. ? Landscape. Landscape-level biological goals and objectives are related to the overall condition of hydrological, physical, chemical, and biological processes in the Plan Area; ? Natural community. Natural community biological goals and objectives specifically address the needs of each natural community; and ? Species. Species-specific biological goals and objectives are designed to provide for the conservation of covered species and mitigate the adverse effects of covered activities. The biological goals and objectives were developed first at the landscape level to meet the needs of the broadest array possible of covered natural communities and covered species. Next, each natural community was examined to determine what additional conservation was needed at the natural community level that could benefit multiple covered species. Lastly, the expected benefits of achieving the landscape and natural community biological objectives for each covered species were evaluated, and species-specific biological goals and objectives were added as necessary to provide for the conservation of the species. Using this hierarchical approach, the conservation needs of many covered species are met through landscape-level and natural community biological goals and objectives. Additional conservation needs are met by species-specific goals and objectives for covered species whose conservation needs could not be fully addressed at the landscape and natural community levels. The factors that went into developing each of the biological objectives, including the protection and restoration acreage commitments and the reserve design objectives, are described in detail in the rationale for each objective in Section 6.3, Biological Goals and Objectives. IndScienceAdvisorsReport_Yolo.pdf, 04 HCP NCCP Ch02 Exist Cond_FINAL_Xcheck.pdf, 08 HCP NCCP Ch06_ConsStrat_FINAL_Xcheck.pdf

Adaptive Management (23 CCR SECTION 5002 (b), (4))

c. The covered action involves ecosystem restoration or water management, and includes adequate provisions, appropriate to its scope, to assure continued implementation of adaptive management

Is the covered action consistent with this portion of the regulatory policy? Appendix 1B is referenced in this regulatory policy.

☑ YES ☐ **NO** ☐ **N/A**

Answer Justification:

The Yolo HCP/NCCP integrates adaptive management and monitoring into one cohesive program whereby monitoring will inform and change management actions to continually improve outcomes for covered and natural communities (See attached Yolo HCP/NCCP Section 6.5). This long-term monitoring and adaptive management program is an integral component of the Yolo HCP/NCCP conservation strategy and is designed to use new information and insight gained during the course of HCP/NCCP implementation to ensure conservation measures can achieve the biological goals and objectives. The adaptive management process will afford the flexibility to allow the Conservancy to make changes to the conservation measures to improve their effectiveness over time. The Conservancy will use the results of monitoring and research efforts to assess progress toward achieving the biological goals and objectives and gauge the effectiveness of the conservation strategy. The program will continually incorporate recommendations for monitoring and adaptive management based on the most recent guidelines for regional HCPs and NCCPs provided by the USGS Biological Resources Division, CDFW, and USFWS (Atkinson et al. 2004). The Yolo HCP/NCCP's adaptive management strategy is consistent with the adaptive management framework in Appendix 1B of the Delta Plan. Similar to the three-phase and nine-step adaptive management framework shown in Figure 1B-1 of the Delta Plan Appendix 1B, the Yolo HCP/NCCP has a three phase and multi-stepped adaptive management process that outlines the approach for adaptive management throughout implementation of the Yolo HCP/NCCP (See attached Yolo HCP/NCCP Table 6-8). The Yolo HCP/NCCP's adaptive management framework includes three phases which create a feedback loop. Phase 1 includes the identification of biological objectives, determination of success criteria, and development of measurement or indicators. Phase 2 is the development and implementation of the monitoring of the approach. Phase 3 includes assessment of monitoring results based on success criteria developed in phase 1, evaluation of the appropriateness of the success criteria as well as the monitoring approach and frequency, and looping back to phase 1 or phase 2 as needed to respond and adapt management and monitoring as needed. Additionally, the Yolo HCP/NCCP has developed a conceptual model that links the HCP/NCCP's conservation strategy goals and objectives with a series of actions, including adaptation of management and monitoring strategies based on the analysis and evaluation of ecosystem response (See attached Yolo HCP/NCCP Table 6-9). The Conservancy will secure resources to implement the Yolo HCP/NCCP's adaptive management program primarily through the collection and utilization of fees during the 50-year term of the Yolo HCP/NCCP (See Yolo HCP/NCCP Section 8.4.1). The Conservancy will allocate fees into separate categories, including a post-permit endowment, to ensure adequate funding is allocated to both ongoing and long-term plan costs. As currently designed, the adaptive management decision-making process is part of the regular duties of Conservancy staff members. Therefore, the assumed costs associated with adaptive management decision-making during plan implementation, except for external scientific review, are allocated between management and enhancement of easement and pre-permit reserve system lands and plan administration fund allocations in the Yolo HCP/NCCP cost model (See Yolo HCP/NCCP Table 8-1 and Appendix H). In addition to securing funding for monitoring and adaptive management during the 50-year term of Yolo HCP/NCCP implementation, the Conservancy will dedicate a portion of every fee to a post-permit endowment (see Section, 8.4.1, HCP/NCCP Fees). Fee levels will be adjusted as needed to ensure sufficient endowment funding by the end of the permit term (See Yolo HCP/NCCP Section 8.4.1.6). AdaptiveManagement_Section6.5.pdf, 08 HCP NCCP Ch06_ConsStrat_FINAL_Xcheck.pdf, 10 HCP NCCP Ch08_cost_funding_FINAL_Xcheck.pdf, 22 HCP NCCP App_H_Cost Plan_FINAL.pdf, AdaptiveManagementAtkinson2004.pdf

DELTA PLAN CHAPTER 3

WR P1 / 23 CCR SECTION 5003 - Reduce Reliance on the Delta through Improved Regional Water Self-Reliance

Is the covered action consistent with this regulatory policy?

☐ YES ☐ **NO** ☑ **N/A**

Answer Justification: This regulatory policy does not apply to the Yolo HCP/NCCP because the Yolo HCP/NCCP does not involve water that is exported from, transferred through, or used in the Delta.

WR P2 / 23 CCR SECTION 5004 - Transparency in Water Contracting

Is the covered action consistent with this regulatory policy? Appendix 2A and Appendix 2B are referenced in this regulatory policy.

☐ YES ☐ **NO** ☑ **N/A**

Answer Justification: This regulatory policy does not apply to the Yolo HCP/NCCP because the Yolo HCP/NCCP does not involve entering into or amending water supply or water transfer contracts such as those described in Appendix 2A and 2B.

DELTA PLAN CHAPTER 4

Conservation Measure: (23 CCR SECTION 5002 (c))

A conservation measure proposed to be implemented pursuant to a natural community conservation plan or a habitat conservation plan that was:
(1) Developed by a local government in the Delta; and
(2) Approved and permitted by the California Department of Fish and Wildlife prior to May 16, 2013
is deemed to be consistent with the regulatory policies listed under Delta Plan Chapter 4 of this form (i.e. sections 5005 through 5009) if the certification of consistency filed with regard to the conservation measure includes a statement confirming the nature of the conservation measure from the California Department of Fish and Wildlife.

Is a statement confirming the nature of the conservation measure from the California Department of Fish and Wildlife available?

☐ YES ☐ **NO** ☑ **N/A**

Answer Justification: This regulatory policy does not apply to the Yolo HCP/NCCP because the Yolo HCP/NCCP was not approved prior to May 16, 2013.

ER P1 / 23 CCR SECTION 5005 - Delta Flow Objectives

Is the covered action consistent with this regulatory policy?

☐ YES ☐ **NO** ☑ **N/A**

Answer Justification: This regulatory policy does not apply to the Yolo HCP/NCCP because the Yolo HCP/NCCP does not significantly affect flow in the Delta.

ER P2 / 23 CCR SECTION 5006 - Restore Habitats at Appropriate Elevations

Is the covered action consistent with this regulatory policy? Appendix 3 and Appendix 4 are referenced in this regulatory policy.

☑ YES ☐ **NO** ☐ **N/A**

Answer Justification: The Yolo HCP/NCCP is consistent with ER P2 (23 CCR Section 5006) in that it utilizes elevation as a consideration when determining appropriate habitat restoration actions. As described in Section 6.4.2.3 of the Yolo HCP/NCCP, the Conservancy will identify and select potential restoration sites on the basis of their physical processes and hydrologic, geomorphic, and soil conditions to ensure successful restoration can occur and be self-sustaining. The selection of specific restoration sites in fulfillment of Yolo HCP/NCCP Conservation Measure 2: Restore Natural Communities (see Yolo HCP/NCCP Section 6.4.2), is conducted on a project-by-project basis and is only allowed in land cover types for which the techniques are generally successful and where restoration would substantially enhance habitat for covered species and native biological diversity. The evaluation process for site selection includes a review of the project site and its surrounding area including, topographic features and the suitability of potential restoration within the geographic context of the site location. Restoration site selection will be subject to both U.S. Fish and Wildlife and California Department of Fish and Wildlife approval, consistent with Yolo HCP/NCCP Section 7.5.2, Acquisition Process. 6_4_2_ConsMeasure2.pdf, 7_5_2_AcqProcess.pdf

ER P3 / 23 CCR SECTION 5007 - Protect Opportunities to Restore Habitat

Is the covered action consistent with this regulatory policy? Appendix 4 and Appendix 5 are referenced in this regulatory policy.

☑ YES ☐ **NO** ☐ **N/A**

Answer Justification: The Yolo HCP/NCCP is consistent with ER P3 (23 CCR Section 5007) because the only Yolo HCP/NCCP activities to be implemented within the areas identified in Figure 5-1 of Appendix 5 are protection, management, enhancement, and restoration of habitat consistent with the Yolo HCP/NCCP conservation strategy (Yolo HCP/NCCP Chapter 6). The Yolo HCP/NCCP conservation strategy relies on best available science and requires the evaluation of potential sites on the basis of their ability to support covered species, support implementation of species-specific conservation actions, and meet species-specific biological goals and objectives prior to conducting any protection, enhancement, or restoration activities. The Conservancy will restore natural communities only in areas in which there is evidence the natural community was previously present. The creation of natural communities (i.e., establishment in areas where the natural community did not previously occur) is allowed only for ponds to support California tiger salamander in areas where California tiger salamander upland habitat is present in the surrounding area (Section 6.4.2.6.1, Lacustrine), which is outside of the Delta Plan area of influence. In accordance with Yolo HCP/NCCP Section 6.4.2.3, the Conservancy will not adversely affect rare natural communities or habitat types while restoring natural communities as part of Yolo HCP/NCCP implementation. Protection o habitat and the opportunity to enhance or restore habitat as part of Yolo HCP/NCCP implementation will primarily be accomplished through the establishment of conservation easements that prohibit development and prohibit the planting of permanent crops such as orchards and vineyards. Restoration sites will also be permanently protected by conservation easements. Restoration identified as part of Yolo HCP/NCCP implementation that may occur within the Delta Plan area is fresh emergent wetland as described in Yolo HCP/NCCP Section 6.4.2.5. 6_4_2_ConsMeasure2.pdf

ER P4 / 23 CCR SECTION 5008 - Expand Floodplains and Riparian Habitats in Levee Projects

Is the covered action consistent with this regulatory policy? Appendix 8 is referenced in this regulatory policy.

☐ YES ☐ **NO** ☑ **N/A**

Answer Justification: This regulatory policy does not apply to the Yolo HCP/NCCP because the Yolo HCP/NCCP does not direct the construction of new levees or substantially rehabilitate or reconstruct existing levees.

ER P5 / 23 CCR SECTION 5009 - Avoid Introductions of and Habitat for Invasive Nonnative Species

Is the covered action consistent with this regulatory policy?

☑ YES ☐ **NO** ☐ **N/A**

Answer Justification: The Yolo HCP/NCCP is consistent with, and goes beyond the minimum standards of, ER P5 (23 CCR Section 5009) by reducing invasive nonnative species in addition to simply avoiding the introduction of them. Yolo HCP/NCCP biological objective L-2.1 aims to "Increase native species diversity and relative cover of native plant species, and reduce the introduction and proliferation of nonnative plant and animal species. This objective will be met through the implementation of Yolo HCP/NCCP Conservation Measure 3: Manage and Enhance the Reserve System. As part of the implementation of Conservation Measure 3, the Conservancy will develop a program for the control of invasive animal and plant species that could substantially degrade the functions of protected natural communities as habitat for covered and other native species in the reserve system as described in Yolo HCP/NCCP Section 6.4.3.4.1. NonnativeSpecies_Section6.4.3.4.1.pdf

DELTA PLAN CHAPTER 5

DP P1 / 23 CCR SECTION 5010 - Locate New Urban Development Wisely

Is the covered action consistent with this regulatory policy? Appendix 6 and Appendix 7 are referenced in this regulatory policy.

☐ YES ☐ **NO** ☑ **N/A**

Answer Justification: This regulatory policy does not apply to the Yolo HCP/NCCP because the Yolo HCP/NCCP does not involve the approval or construction of new urban development. Urban development is considered a covered activity under the Yolo HCP/NCCP, meaning that it is an activity eligible to receive take coverage under the Yolo HCP/NCCP in compliance with the federal Environmental Species Act and California Natural Community Conservation Planning Act; however, Yolo HCP/NCCP approval and permit issuance for take of covered species does not confer or imply approval from any entity other than the USFWS or CDFW to implement the covered activities. All Yolo HCP/NCCP covered activities are subject to the approval authority of one or more of the member agencies with jurisdiction over such projects as part of the standard approval process.

DP P2 / 23 CCR SECTION 5011 - Respect Local Land Use When Siting Water or Flood Facilities or Restoring Habitats

Is the covered action consistent with this regulatory policy?

☑ YES ☐ **NO** ☐ **N/A**

Answer Justification: The Yolo HCP/NCCP is consistent with DP P2 (23 CCR Section 5011). The Yolo HCP/NCCP does not involve the siting of water or flood facilities; however, it does include some habitat restoration activities. The Conservancy, a local joint powers agency, in close coordination with its member agencies who include the Yolo County, the City of Davis, City of West Sacramento, City of Winters, and City of Woodland developed the Yolo HCP/NCCP. These agencies constitute the local county and city land use authorities within the Yolo HCP/NCCP Plan Area and each have representation on the Conservancy Board of Directors. The Conservancy developed the Yolo HCP/NCCP as a mechanism to provide these local land use agencies with incidental take permits from both the U.S. Fish and Wildlife Service and California Department of Fish and Wildlife to cover activities identified within their respective general plans. The restoration efforts described in the Yolo HCP/NCCP are for the mitigation of a small portion of these activities, as well as additional restoration that each of these member agencies have agreed to as part of their agency's adoption of the Yolo HCP/NCCP. Implementation of the HCP/NCCP conservation strategy is consistent with the County and city general plans. Within the various general plans, there are policies which encourage habitat restoration, land conservation, and species preservation including the policies listed in EIS/EIR Section 5.2.2 Regulatory Setting. In addition, several of the general plans include specific goals, policies, and implementing actions which direct the member agency jurisdictions to conserve habitat and, in some cases, adopt and/or implement a habitat conservation plan. While the exact location of restoration activities associated with the Yolo HCP/NCCP have yet to be determined, there are several mechanisms in place to ensure that these activities do not conflict with existing uses or uses described in local county and city general plans including the following: 1) the Yolo HCP/NCCP will focus habitat protection, enhancement, and restoration efforts in priority reserve system acquisition areas, which are located outside of urban areas (See Yolo HCP/NCCP Figure 6-6); 2) all sites identified for inclusion in the Yolo HCP/NCCP reserve system will be brought to the Conservancy Board of Directors for approval (See Yolo HCP/NCCP 7.5.2); and 3) the Yolo HCP/NCCP offers a voluntary Neighboring Landowner Protection Program (See Yolo HCP/NCCP Section 7.7.7.1) which offers landowners of adjacent properties the opportunity to receive incidental take coverage for their existing agricultural activities.08 HCP NCCP Ch06_ConsStrat_FINAL_Xcheck.pdf, 09 HCP NCCP Ch07_PlanImp_FINAL_Xcheck.pdf, 19 HCP NCCP App E_Imp Agreement_FINAL.pdf

DELTA PLAN CHAPTER 7

RR P1 - Prioritization of State Investments in Delta Levees and Risk Reduction

Is the covered action consistent with this regulatory policy?

☐ YES ☐ **NO** ☑ **N/A**

Answer Justification: This regulatory policy does not apply to the Yolo HCP/NCCP because the Yolo HCP/NCCP does not involve discretionary State investments in Delta flood risk management.

RR P2 - Require Flood Protection for Residential Development in Rural Areas.

Is the covered action consistent with this regulatory policy? Appendix 7 is referenced in this regulatory policy.

☐ YES ☐ **NO** ☑ **N/A**

Answer Justification: This regulatory policy does not apply to the Yolo HCP/NCCP because the Yolo HCP/NCCP does not involve the approval or construction of new residential development. Residential development is considered a covered activity under the Yolo HCP/NCCP, meaning that it is an activity eligible to receive take coverage under the Yolo HCP/NCCP in compliance with the federal Environmental Species Act and California Natural Community Conservation Planning Act; however, Yolo HCP/NCCP approval and permit issuance for take of covered species does not confer or imply approval from any entity other than the USFWS or CDFW to implement the covered activities. All Yolo HCP/NCCP covered activities are subject to the approval authority of one or more of the member agencies with jurisdiction over such projects as part of the standard approval process.

RR P3 - Protect Floodways

Is the covered action consistent with this regulatory policy?

☑ YES ☐ **NO** ☐ **N/A**

Answer Justification: The specific location of future Yolo HCP/NCCP reserve system conservation and restoration sites are not known at this time; however, the Yolo HCP/NCCP is consistent with RR P3 (23 CCR Section 5014) to the extent that future Yolo HCP/NCCP activities occur in areas that are not a designated floodway or regulated stream because it does not allow or construct infrastructure within a floodway that would significantly impede the free flow of water in the floodway or jeopardize public safety. While there may be small structures such as gates or fences that are installed as part of establishing and managing the Yolo HCP/NCCP reserve system, they will not be of sufficient size or mass to impede or redirect flood flows. In addition, the purchase of reserve system lands within flood hazard areas will reduce potential future effects from development by removing any potential for residential and other development on those lands. (See Yolo HCP/NCCP EIS/EIR Chapter 9, Hydrology and Water Quality)11 EIS EIR chap 9 Hydro & WQ.pdf

RR P4 - Floodplain Protection

Is the covered action consistent with this regulatory policy?

☑ YES ☐ **NO** ☐ **N/A**

Answer Justification: The Yolo HCP/NCCP is consistent with RR P4 (23 CCR Section 5015) in that it does not propose or allow the construction of infrastructure in any of the floodplains identified in 23 CCR Section 5015. The Cosumnes River-Mokelumne River Confluence and Lower San Joaquin River Floodplain Bypass Area are both located outside of the Plan Area of the Yolo HCP/NCCP. The Yolo Bypass is located within the Yolo HCP/NCCP Plan Area; however, construction activities that the Yolo HCP/NCCP anticipates providing incidental take permit coverage for are located outside of this area as shown in Yolo HCP/NCCP Figure 5-1, Covered Activities Footprints. Planting or removal of vegetation may occur on Yolo HCP/NCCP reserve system sites as part of habitat management and restoration activities and invasive species removal activities described in Section 6.4 of the Yolo HCP/NCCP. The specific locations of these sites have yet to be determined and may occur within the Yolo Bypass. Since the specific locations are currently unknown, the specific activities and their ability to affect floodplain value and function will be evaluated on a project-by-project basis. Figure5_1_CoveredActivitiesFootprints.pdf